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Letter dated 28 January 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 4 October 2002 (S/2002/1162).

The Counter-Terrorism Committee has received the attached supplementary report from Turkmenistan (see annex) submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 15 January 2003 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In reference to your letter dated 27 September 2002, attached please find the additional report from the Government of Turkmenistan pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Aksoltan **Ataeva**
Ambassador
Permanent Representative

Enclosure

[Original: Russian]

Report of Turkmenistan on the supplementary questions from the Counter-Terrorism Committee on measures to implement Security Council resolution 1373 (2001)

The law-enforcement agencies of Turkmenistan, in their defence of the freedoms of citizens from acts of terrorism and extremism as guaranteed under the Constitution, apply legal, constitutional measures and means to discover and prevent the perpetration of such acts.

Within our law-enforcement agencies there is a special rapid-response unit, whose tasks include the neutralization and seizure of terrorists and the freeing of hostages, should there be any.

A plan has been developed and put into operation to combat terrorist phenomena; it provides for measures making it possible to obtain early-warning information on the terrorist intentions of hostile elements for the subsequent elimination of the danger posed by such criminal conspiracies.

The law-enforcement agencies systematically carry out precautionary checks on the storage, use and transport of firearms, explosives, and poisonous and radioactive materials.

Bearing in mind the neutral status of Turkmenistan, the appropriate agencies participate as observers in the work of the Council of Heads of Security Organs and Special Services of the Countries of the Commonwealth of Independent States, and the Conference of Special Services of Turkic-Language States; they also exchange information with the Anti-Terrorism Centre of the Commonwealth of Independent States, including on matters relating to the war against extremist and terrorist phenomena. Information received on specific people, persons from Turkmenistan, suspected of terrorist intent is taken into account and entered into a databank for operational use.

Ensuring social order and domestic security in the preparations for and holding of festivities of State importance is handled in conformity with a standing plan of joint measures on the part of all of the "power" departments of the country, where the main task is to detect and prevent possible terrorist acts in a timely manner and to neutralize their perpetrators.

Law-enforcement agencies carefully monitor the operational situation with regard to the war against terrorism.

This report was prepared in conformity with the letter dated 27 October 2002 from the Chairman of the Counter-Terrorism Committee, Sir Jeremy Greenstock, in document S/AC.40/2002/MS/OC.161 on supplementary questions on measures to implement Security Council resolution 1373 (2001).

Subparagraph 1 (a)

Article 271 of the Criminal Code of Turkmenistan defines a terrorist act as:

"1. Terrorism, that is, causing an explosion or fire or other acts that jeopardize human life, cause significant property damage or have other dangerous consequences for society, where those acts are committed to violate public security, cause panic or influence decision-making by government authorities, including the threat to commit such acts for those purposes, shall be punishable by imprisonment for 5 to 10 years.

"2. Those same acts, when committed:

(a) Repeatedly;

(b) With the use of firearms;

(c) By a group of people on the basis of prior agreement, shall be punishable by imprisonment for 8 to 15 years.

"3. If the acts described in paragraphs 1 and 2 of this article cause death or are committed by an organized group or a criminal organization, they shall be punishable by imprisonment for 10 to 25 years."

The Criminal Code of Turkmenistan also provides for criminal liability for the commission of acts in Turkmenistan that are in and of themselves not criminal but are linked to acts committed or intended to be committed outside Turkmenistan that are of a criminal or even terrorist nature. Such liability is provided for in article 275 of the Criminal Code of Turkmenistan (on the organization of a criminal association or participation in a criminal association). Liability is engaged at the time when the acts in question begin.

Turkmenistan's criminal legislation covers the types of complicity (art. 33), on the basis of which it is necessary to identify all participants in a crime, i.e. the organizer, the instigator and the accomplice. If investigation reveals a source of financing (collection of funds), that has a bearing on the categorization of the act.

The Criminal Code also establishes criminal liability for: deliberately false information about a terrorist act (art. 272), organization of an illegal armed unit or participation in such a unit (art. 273), banditry (art. 274), organization of a criminal association or participation in such an association (art. 275), hijacking or seizing an aircraft, boat or railway rolling stock (art. 277), robbery (art. 231), extortion (art. 232), kidnapping (art. 126), seizure of hostages (art. 130), and sabotage (art. 173).

Subparagraph 1 (b)

Article 6 of the Constitution of Turkmenistan states that "Turkmenistan is a fully fledged member of the world community, recognizes the priority of the generally recognized rules of international law, and maintains a foreign policy based on the principles of permanent positive neutrality, non-interference in the internal affairs of other countries, renunciation of the use of force and of participation in military blocs and unions, and promoting the development of peaceful, friendly and mutually advantageous relations with the countries of the region and States throughout the world." This constitutional provision means that, if an international treaty to which Turkmenistan is party stipulates provisions and rules different from

those established in domestic legislation, those in the international treaty are applied.

However, with reference to the requirement in article 4 of the International Convention for the Suppression of the Financing of Terrorism that calls on States to make the offences specified in article 2 of that Convention "punishable by appropriate penalties which take into account the grave nature of the offences", we state that Turkmenistan is not currently a party to that Convention.

Subparagraph 1 (c) and (d)

In accordance with article 20 of the Act of 8 October 1993 on commercial banks and banking activities, banks provide information with regard to juridical persons upon official request from the following authorized bodies: the higher organizations, State tax inspectorates, courts, investigative bodies, audit organs; and with regard to physical persons to courts and investigative bodies. Information on accounts is prepared by authorized persons and provided in respect of juridical and physical persons.

In conformity with the same Act, the banks of Turkmenistan, including the Central Bank, guarantee secrecy with respect to the operations, accounts and deposits of their clients and correspondents. Information about the operations and accounts of juridical persons is given to competent organs in the field upon their official request, and information about the accounts of citizens, except for the clients themselves and their representatives, is also given to courts and investigative bodies working on particular cases. The monetary assets of persons accused of a crime may be seized through decisions by a court or the investigative bodies, but punishment may be imposed on the basis of a sentence or decision handed down by a court.

Inside Turkmenistan, the Central Bank of Turkmenistan circulates information received from competent organs to commercial banks with instructions to freeze the accounts of persons mentioned in the information.

Outside Turkmenistan, duly authorized organs send requests that accounts be frozen with an indication of the grounds for doing so.

The Criminal Code of Turkmenistan establishes criminal liability for non-return of funds in foreign currency from abroad (art. 260). The corpus delicti in this case is the unreturned sum of money that was obtained legally.

Budgetary resources for organizations financed by the budget are allocated, in accordance with the Act on the State budget of Turkmenistan, only on the basis of specific directives and this is done though the Central Fund, which has been opened in the Central Bank.

In Turkmenistan, some banks use the Western Union remittance system.

Subparagraph 2 (a) and (b)

Sections VIII and IX of the Criminal Code of Turkmenistan establish criminal liability for crimes against the peace and security of mankind, as well as crimes against the State.

Article 169. Mercenarism

(1) The recruitment, training, financing and other material support of mercenaries, as well as their use in armed conflict or other military actions shall be punishable by imprisonment for three to eight years.

(2) The participation of mercenaries in armed conflict or military actions shall be punishable by imprisonment for 5 to 10 years.

Note: A mercenary is defined as a person who acts in order to obtain material compensation, is not a national of a State participating in the armed conflict or military actions, is not a permanent resident in its territory, and has not been sent to carry out official duties.

Article 171. Treason

Treason, i.e. espionage, the revealing of State secrets or providing other assistance to a foreign State in carrying out hostile activities to the detriment of the independence, integrity, territorial inviolability, State security, neutrality and defence capability of Turkmenistan, when committed by a national of Turkmenistan, shall be punishable by imprisonment for 10 to 25 years.

Article 172. Espionage

The handing over, as well as the gathering, stealing or keeping with a view to the handing over to a foreign State, foreign organization or their representatives, of information that constitutes a State secret, and also the handing over and gathering at the request of foreign intelligence services of other information for their use to the detriment of the independence, State sovereignty, neutrality, territorial integrity, national security or defence capability of Turkmenistan, when such acts are carried out by aliens or stateless persons, shall be punishable by imprisonment for 10 to 25 years.

Article 179. Divulging State secrets

(1) The divulging of information constituting a State secret by a person with access to State secrets, if that act has caused detriment to the interests of the State but there is no evidence of treason, shall be punishable by imprisonment for up to five years, with possible deprivation of the right to hold certain posts or engage in certain activities for up to three years.

(2) The same acts, if they led to serious consequences, shall be punishable by imprisonment for three to eight years, with or without the deprivation of the right to hold certain posts or engage in certain activities for up to three years.

Article 180. Loss of documents containing State secrets

(1) The loss of documents containing State secrets or of objects, information about which constitutes a State secret, by a person to whom they had been entrusted, in the course of his service-related or professional activities, where that loss was the result of a breach of established rules for handling such documents or objects, shall be punishable by punitive deduction of earnings for up to two years or imprisonment for up to two years, with or without the deprivation of the right to hold certain posts or engage in certain activities for up to three years.

(2) The same act, if it led to serious consequences, shall be punishable by imprisonment for up to five years, with the deprivation of the right to hold certain posts or engage in certain kinds of work for up to three years.

Article 273. Organization of an illegal armed unit or participation therein

(1) The establishment of an armed unit not provided for in the legislation of Turkmenistan and the leadership of such a unit shall be punishable by imprisonment for three to eight years.

(2) Participation in an illegal armed unit shall be punishable by imprisonment for up to five years.

Note: A person who ceases voluntarily to participate in an illegal armed unit and surrenders his weapon shall be exempt from criminal liability provided that he has not committed other offences.

Article 274. Banditry

(1) The establishment of a standing organized armed group (band) for the purpose of attacking citizens or organizations, the leadership of such a group (band) and participation in attacks committed by a band shall be punishable by imprisonment for 10 to 25 years, with or without confiscation of property.

(2) Participation in an armed group (band) shall be punishable by imprisonment for 5 to 15 years, with or without confiscation of property.

Article 275. Organization of a criminal association or participation therein

(1) The establishment of a criminal association for the purpose of committing serious or especially serious offences and the leadership of such an association shall be punishable by imprisonment for 8 to 15 years, with or without confiscation of property.

(2) Participation in a criminal association shall be punishable by imprisonment for 3 to 10 years, with or without confiscation of property.

Article 287. Illegal acquisition, sale, possession, transport, sending or bearing of weapons, ammunition, explosives or explosive devices

(1) The illegal acquisition, sale, possession, transport, sending or bearing of firearms, ammunition, explosives or explosive devices shall be punishable by imprisonment for up to five years.

(2) The same acts committed by a group of persons on the basis of prior agreement or on repeated occasions shall be punishable by imprisonment for two to seven years.

(3) The acts referred to in paragraphs 1 and 2 of this article committed by an organized group or a criminal association shall be punishable by imprisonment for 5 to 10 years.

(4) The illegal sale or bearing of daggers, Finnish knives or other edged weapons, including throwing weapons, and the illegal sale of gas pistols, gas cylinders or other gas weapons shall be punishable by a fine of 25 to 50 times the average

monthly wage or by punitive deduction of earnings for up to two years or by imprisonment for up to two years.

Note: A person who voluntarily surrenders items referred to in this article is exempted from criminal liability provided that he has not committed other offences.

Article 288. Illegal manufacture of weapons

(1) The illegal manufacture or repair of firearms or firearm spare parts and the illegal manufacture of ammunition, explosives or explosive devices shall be punishable by imprisonment for up to three years.

(2) The same acts committed by a group of persons on the basis of prior agreement or on repeated occasions shall be punishable by imprisonment for two to five years.

(3) The illegal manufacture of gas weapons, daggers, Finnish knives or other edged weapons, including throwing weapons, shall be punishable by punitive deduction of earnings for up to two years or by imprisonment for up to three years.

Note: A person who voluntarily surrenders items referred to in this article is exempted from criminal liability provided that he has not committed other offences.

Article 254. Smuggling

(1) Smuggling, that is the large-scale transfer across the customs border of Turkmenistan of goods or other items for which special rules have been established regarding their transfer across the customs border of Turkmenistan, with the exception of goods and items referred to in paragraph 3 of this article, carried out without the knowledge of customs inspectors or concealed from them through the fraudulent use of documents or means of customs identification, or involving the failure to make a declaration or the making of a false declaration, shall be punishable by a fine of 25 to 50 times the average monthly wage or by punitive deduction of earnings for up to two years or by imprisonment for up to three years, with or without confiscation of property.

(2) The act referred to in paragraph 1 of this article committed:

(a) On repeated occasions;

(b) By a group of persons on the basis of prior agreement or an organized group;

(c) By an official using his position or by a person exempt from customs inspections;

(d) With the use of violence against a person conducting customs inspections shall be punishable by imprisonment for two to five years, with or without confiscation of property.

(3) The transfer across the customs border of Turkmenistan of narcotic drugs, psychotropic, virulent, toxic, poisonous or radioactive substances, explosives, arms, explosive devices, firearms or ammunition, nuclear, chemical, biological and other types of weapons of mass destruction, materials and equipment that may be used to make weapons of mass destruction and for which special rules have been established regarding their transfer across the customs border of Turkmenistan, strategically important raw materials, and cultural artefacts for which special rules have been

established regarding their transfer across the customs border of Turkmenistan, if such act is committed without the knowledge of customs inspectors or is concealed from them through the fraudulent use of documents or means of customs identification, or involves the failure to make a declaration or the making of a false declaration, shall be punishable by imprisonment for three to eight years, with or without confiscation of property.

(4) The act referred to in paragraph 3 of this article committed:

(a) On repeated occasions;

(b) By a group of persons on the basis of prior agreement or an organized group;

(c) By an official using his position or by a person exempt from customs inspections;

(d) With the use of violence against a person conducting customs inspections shall be punishable by imprisonment for 5 to 10 years, with or without confiscation of property.

Note: The act referred to in paragraph 1 of this article is deemed to have been committed on a large scale if the value of the goods transferred is more than 30 times the average monthly wage.

The system of permits (for the possession, use and transport of weapons) implemented by Turkmenistan's internal affairs agencies applies to military models of combat and rifled weapons, custom-made (including blank) weapons, practice, sporting, large-calibre (7.62 mm or greater), small-calibre, hunting and rifled (including small-calibre) weapons, smoothbore firearms, ammunition for such types of weapons, and edged and bladed weapons (hunting knives, sabres, combat knives, daggers, etc.) owned by organizations and citizens, with the exception of those under the authority of the Ministries of Defence, National Security and Internal Affairs and the State Border Service of Turkmenistan.

A single system for the acquisition, registration and possession of sporting shotguns has been introduced in the territory of Turkmenistan. Smoothbore and rifled sporting shotguns may be sold by citizens on authorization by the internal affairs agencies. Persons who are members of hunting and angling clubs have the right to acquire such weapons.

Citizens acquiring sporting smoothbore firearms undergo special checks, after which they are issued with permits.

Sporting firearms acquired by citizens must be registered within 10 days at the internal affairs agencies in the owner's place of residence; the owner receives a permit for possession of a firearm valid for three years, after which the firearm must be re-registered. Ammunition for weapons and powder may be obtained by citizens in shops specializing in the sale of sporting firearms, in accordance with the established issuing rules, only on presentation of a hunting licence and a permit issued by an internal affairs agency for possession of that type of weapon.

The centralized transport of firearms and ammunition is carried out under armed guard. Firearms and ammunition may be transported in hand luggage on authorization by the internal affairs agencies. With the exception of military models of weapons, firearms and live firearm cartridges imported and exported by citizens

across the State border of Turkmenistan are permitted to pass by the customs institutions on the basis of permits issued by the Ministry of Internal Affairs.

The Criminal Code of Turkmenistan provides for criminal liability for the illegal acquisition, sale, possession, transport, sending or bearing of weapons, ammunition, explosives or explosive devices (art. 287), the illegal manufacture of weapons (art. 288), and the theft or extortion of weapons, ammunition, explosives or explosive devices (art. 291).

Counter-terrorism in Turkmenistan is effected by specialized departments of the Ministry of Internal Affairs and the Ministry of National Security of Turkmenistan and, in the regions (*velayats*), by subdivisions of these departments.

The work of these departments is regulated and sanctioned by the Council of Ministers of Turkmenistan.

Turkmenistan is a party to the Agreement on Cooperation among the Ministries of Internal Affairs of the Independent States in the Fight against Crime, of 24 April 1992 (signed in Almaty). The Agreement states that cooperation among the parties shall also take the form of the exchange of information concerning operations, investigations, inquiries and forensic evidence with respect to offences that are being planned or have been committed and persons involved in such offences, as well as archive information.

In addition, the Decision of the Council of Ministers of Internal Affairs of the States Members of the Commonwealth of Independent States concerning Cooperation in Combating Terrorism, signed in Dushanbe, refers to the need to ensure the immediate transmission to the competent agency of the Ministry of Internal Affairs concerned of information on persons and organizations planning to commit terrorist acts or engaged in terrorist activity.

Subparagraphs 2 (c) and 3 (f)

The Act of Turkmenistan on refugees, of 12 June 1997, establishes the procedure and conditions for recognizing persons as refugees, their legal status, and the legal, economic and social safeguards for the protection of their rights.

Article 7. Conditions under which refugee status is not granted

Refugee status shall not be granted to a person where there are serious grounds to believe that he or she:

- Has committed a crime against peace, a military crime or a crime against humanity, as defined in the international instruments drafted for the purpose of taking measures in respect of such crimes;
- Has committed a serious crime of a non-political nature outside Turkmenistan before being admitted to Turkmenistan as a refugee;
- Is guilty of committing acts that run counter to the purposes and principles of the United Nations.

In addition, refugee status shall not be granted to a person:

- Whose rights and obligations as a citizen of the State in which he or she resides are recognized and guaranteed by the competent authorities of that State;

- Who was present, before arriving in Turkmenistan, in a State in which he or she could obtain asylum or official refugee status, in accordance with the established procedure.

Article 9. Loss or revocation of refugee status

A person shall lose refugee status if he:

- Once again voluntarily avails himself of the protection of the country of which he is a national or,

- Having lost his nationality, once again voluntarily acquires it, or

- Acquires a new nationality and avails himself of the protection of the State of his new nationality, or

- Once again voluntarily settles in the country which he left or outside which he stayed as a result of fear of prosecution, or

- Can no longer refuse to avail himself of the protection of the country of which he is a national because the circumstances on the basis of which he was recognized as a refugee no longer exist.

A person shall lose refugee status if he:

- Acquires refugee status by deliberately providing false information or falsified documents,

- Participates in activities which constitute, on the basis of well-founded reasons, a threat to Turkmenistan's State security or social order,

- Participates in activities that run counter to the purposes and principles of the United Nations.

The person in question shall be informed of the decision to revoke his refugee status in writing within a period of 10 days with an indication of the grounds as specified in this article and the appeal procedure.

At the present time, in accordance with an agreement between Turkmenistan and the Office of the United Nations High Commissioner for Refugees, the Office has the authority to grant refugee status to persons in the territory of Turkmenistan.

Subparagraph 2 (d)

In order to prevent crimes linked to terrorism, Turkmenistan's law-enforcement agencies, in particular, the Ministry of Internal Affairs and the Ministry of National Security, conduct, within the framework of their functional obligations, ongoing operational and preventive work which also involves the detection of persons inclined to terrorist activities and their circle of acquaintances.

In order to prevent crimes directly or indirectly linked to terrorism, Turkmenistan's law-enforcement agencies apply a set of measures to ensure cooperation and coordination in these activities. When international issues arise,

they are resolved in accordance with international laws through Turkmenistan's Ministry of Foreign Affairs.

Subparagraph 2 (e)

Articles 7 and 8 of the Criminal Code relate to this subparagraph. Article 7 concerns criminal law in respect of persons who have committed crimes in the territory of Turkmenistan. Article 8 deals with criminal law with respect to persons who have committed crimes outside Turkmenistan.

Article 7. Criminal law in respect of persons who have committed crimes in the territory of Turkmenistan

(1) Persons who have committed crimes in the territory of Turkmenistan shall be subject to liability under Turkmenistan's criminal law.

(2) Crimes committed within Turkmenistan's territorial waters or airspace shall be considered as having been committed in the territory of Turkmenistan. The Criminal Code shall also apply to crimes committed on the continental shelf and in the maritime economic zone of Turkmenistan.

(3) Persons who have committed crimes on board a vessel registered in a port of Turkmenistan and situated in the water or airspace beyond its borders shall be liable under Turkmenistan's criminal law, unless otherwise provided for under an international treaty to which Turkmenistan is a party.

(4) When a crime is committed in the territory of two or more States, liability shall be incurred under Turkmenistan's criminal law if the crime is halted or suppressed in the territory of Turkmenistan.

(5) The question of the criminal liability of diplomatic representatives of foreign States and other persons who invoke immunity when such persons commit a crime in the territory of Turkmenistan shall be resolved on the basis of the norms of international law and the international treaties to which Turkmenistan is a party.

Article 8. Criminal law in respect of persons who have committed crimes outside Turkmenistan

(1) Citizens of Turkmenistan and also persons permanently residing in Turkmenistan without citizenship who have committed a crime provided for under Turkmenistan's criminal law outside Turkmenistan shall be subject to liability under the criminal legislation of Turkmenistan if liability for the act committed is provided for under the criminal law of the State in whose territory it was committed and if these persons have not been convicted in a foreign State. Punishment exceeding the maximum punishment provided for under the law in force in the place where the crime was committed may not be imposed.

(2) Foreign nationals and stateless persons who are not permanently residing in Turkmenistan shall be subject to liability under the criminal law of Turkmenistan for a crime committed outside Turkmenistan if the crime was directed against Turkmenistan or its citizens and also in the cases provided for under international treaties to which Turkmenistan is a party if they have not been convicted in a foreign State and have been charged with criminal liability in the territory of Turkmenistan.

Article 9. Extradition of persons who have committed a crime

(1) Citizens of Turkmenistan who have committed a crime in the territory of a foreign State shall not be subject to extradition to that State.

(2) Foreign nationals and stateless persons who have committed a crime outside Turkmenistan and are situated in the territory of Turkmenistan may be extradited to a foreign State for criminal prosecution or to serve a sentence in accordance with the international treaties to which Turkmenistan is a party and agreements, conventions and other international legal documents to which Turkmenistan has acceded.

Subparagraph 2 (f)

The following is a list of the bilateral and multilateral treaties on mutual assistance in criminal matters to which Turkmenistan is a party:

The Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases, of 22 January 1993, signed by 13 States members of the Commonwealth of Independent States;

The Treaty between Turkmenistan and Georgia on the Mutual Provision of Legal Assistance in Civil and Criminal Cases, signed in Tbilisi on 20 March 1996 and ratified by a decision taken by the Majlis (Parliament) of Turkmenistan on 18 June 1996;

The Treaty between Turkmenistan and the Republic of Uzbekistan on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases, signed on 27 November 1996 and ratified by a decision taken by the Majlis (Parliament) of Turkmenistan on 20 December 1996;

The Treaty between Turkmenistan and the Republic of Armenia on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases, signed in Ashgabat on 29 November 2000 and ratified by a decision taken by the Majlis (Parliament) of Turkmenistan on 7 July 2001.

The content of and procedure for submitting a request for the provision of legal assistance in criminal cases and the procedure for carrying out the request are governed by the treaties and conventions indicated; the time frame for implementing a request for assistance in criminal cases is not indicated since it is determined by the questions put forward by the requesting party and the extent of the legal assistance to be provided.

Subparagraph 2 (g)

Inter-agency coordination between the authorities responsible for combating illegal trafficking in narcotic substances is carried out on the basis of the National Plan of Measures to Combat Illegal Trafficking in Narcotics and the Provision of Assistance to Persons Dependent on Narcotics and Psychotropic Substances, which is being adopted by Turkmenistan's Cabinet of Ministers. The Plan is to be implemented by the Cabinet's State Coordinating Committee to Combat Drug Addiction, the Ministry of Internal Affairs, the Ministry of National Security, the Ministry of Health and the Medical Industry, the General Prosecutor's Office, the Supreme Court, the State Border Service, the Ministry of Defence, the State Customs Service, the Ministry of Justice, the State Raw-Materials Commodity Exchange, the Ministry of Economics and Finances and local administrations.

Turkmenistan's Ministry of Internal Affairs conducts specific work aimed at preventing counterfeiting.

Enterprises, organizations, institutions and also enterprises in the inter-State sector which have typographic equipment are subject to special monitoring. Persons convicted previously of counterfeiting are being monitored.

Turkmenistan's Penal Code provides for criminal liability for the stealing or damaging of documents, stamps, seals or forms (art. 217), the forgery, manufacture and sale of counterfeit documents, stamps, seals and forms or the use of false documents (art. 218), the manufacture for sale or the sale of counterfeit money or securities (art. 252), the manufacture for sale or the sale of counterfeit credit or payment cards and other payment documents (art. 253), the counterfeiting of postal payment marks and transit documents (art. 266), unlawful access to computer information (art. 334), and the creation, use and dissemination of programmes harmful to electronic computers (art. 335).

Paragraph 3

Article 9 of the Criminal Code of Turkmenistan, on the extradition of persons who have committed a crime, provides that:

1. Citizens of Turkmenistan who have committed a crime in the territory of a foreign State shall not be subject to extradition to that State.

2. Foreign nationals and stateless persons who have committed a crime outside Turkmenistan and are situated in the territory of Turkmenistan may be extradited to a foreign State for criminal prosecution or to serve a sentence in accordance with the international treaties to which Turkmenistan is a party and agreements, conventions and other international legal documents to which Turkmenistan has acceded.

Persons are extradited on the basis of the aforementioned Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases, of 22 January 1993, and Turkmenistan's bilateral treaties with Georgia, the Republic of Uzbekistan and Armenia.

Citizens of Turkmenistan may not be extradited to another State. This provision is laid down not only in the Minsk Convention, but also, first and foremost, in article 7 of Turkmenistan's basic law — the Constitution of Turkmenistan, adopted on 18 May 1992 — and was reflected in our country's criminal legislation. Accordingly, article 9 of the Criminal Code of Turkmenistan, approved on 12 June 1997, provides that citizens of Turkmenistan who have committed a crime in the territory of a foreign State are not subject to extradition to that State.

At the current time, the question of acceding to international treaties on combating terrorism is being considered, and a draft law of Turkmenistan on combating terrorism is being drawn up.

In accordance with article 56 of the Convention, extradition for criminal prosecution is carried out for acts which, under the laws of the requesting and requested Contracting Parties, are punishable and for the commission of which punishment is provided for in the form of imprisonment for not less than one year or a more severe punishment. Extradition for the execution of a sentence is carried out

for acts which, in accordance with the legislation of the requesting and requested Contracting Parties, are punishable and for the commission of which the person in question has been sentenced to imprisonment for no less than six months or a more severe punishment.

Paragraph 4

Turkmenistan plays an active role at the national, subregional, regional and international levels in efforts to strengthen the worldwide response to the challenges of and threats to international security, particularly by participating in the work of international organizations such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and others, and also by supporting international agreements such as the Decision on Combating Terrorism and the Bucharest Plan of Action for Combating Terrorism of 4 December 2001 (within the framework of OSCE), the Declaration of the Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Bilateral Efforts to Counteract Terrorism of 14 December 2001 (within the framework of OSCE), the Organization for Security and Cooperation in Europe Charter on Preventing and Combating Terrorism of 7 December 2002, and also the Kabul Declaration on Good-Neighbourly Relations of 22 December 2002 and others.